IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 322 OF 2007

Shri Manik Kondiba Lawand .. Petitioner.

V/s.

1. Executive Engineer, Irrigation Division Sina Kolegaon Medium Project Mirgavan Tal.Karmala Dist.Solapur and others. .. Respondents.

WITH
CIVIL REVISION APPLICATION NO. 323 OF 2007

Shri Suryabhan Kashinath Lawand & Ors. .. Petitioners.

V/s.

1. Executive Engineer, Irrigation Division Sina Kolegaon Medium Project Mirgavan Tal.Karmala Dist.Solapur and others. .. Respondents.

WITH
CIVIL REVISION APPLICATION NO. 324 OF 2007

Shri Gorakh Pandharinath Lawand .. Petitioner.

V/s.

1. Executive Engineer, Irrigation Division Sina Kolegaon Medium Project Mirgavan Tal.Karmala Dist.Solapur and others. .. Respondents.

WITH
CIVIL REVISION APPLICATION NO. 325 OF 2007

Shri Gorakh Pandharinath Lawand & Ors. .. Petitioners.

V/s.

1. Executive Engineer, Irrigation
   Division Sina Kolegaon Medium .. Respondents.
   Project Mirgavan Tal.Karmala
   Dist.Solapur and others.

WITH

CIVIL REVISION APPLICATION NO. 326 OF 2007

Shri Macchindra Pandharinath Lawand .. Petitioner.

V/s.

1. Executive Engineer, Irrigation
   Division Sina Kolegaon Medium .. Respondents.
   Project Mirgavan Tal.Karmala
   Dist.Solapur and others.

Mr. T.D.Deshmukh for the Petitioners in all the applications.

Mr. Vijay D. Patil for the Respondents No.1 and 2 in all the applications.

CORAM : S. A. BOBDE, J.

DATED : 10th OCTOBER, 2007.

P.C. :-

. All these civil revision applications are being disposed of by this common order.

2. It is the petitioners' contention that the respondents must be taken to have admitted that there is no delay because they did not plead that the petitioners application for reference was barred by limitation.

Shri Patil, the learned counsel for the respondents rightly pointed out that the petitioners had themselves accepted that there was a delay by applying for condonation of delay. In the circumstances, Shri Deshmukh, the learned counsel for the petitioners sought permission to withdraw the application for condonation of delay since according to him there is no delay.

3. In the interest of justice, the petitioners are hereby allowed to withdraw their respective applications for condonation of delay. The impugned order, rejecting the reference on the ground of delay is hereby set aside. The matter is remanded back to the Civil Judge, Sr.Dvn., Barshi for a fresh decision in accordance with law, after giving opportunity to the respondents for filing an additional written statement on any point including the point of limitation.

4. The civil revision applications are disposed of accordingly.

(S.A.BOBDE,J.)

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